

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/28/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-v-

DUSTIN GENCO,

Defendant.
-----X

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:
23-CR-391 (JLC)

ORDER

JAMES L. COTT, United States Magistrate Judge.

Defendant has filed a letter-motion dated March 27, 2024 (Dkt. No. 31) requesting that the Court issue an order (1) recommending that defendant's three-month sentence be served in Otisville Federal Prison Camp; and (2) making a factual finding that defendant's offense does not involve "serious bodily injury intended or permanent or life threatening bodily injury resulting." The Government does not take a position on defendant's requests.

Having reviewed the presentence report and given my familiarity with the record in this case, I find that the defendant did not commit an offense that can be classified as a "greatest severity offense," to wit, the defendant did not intend to cause serious bodily injury or that the offense resulted in any permanent or life threatening bodily injury. The assault to which the defendant pled guilty should therefore be classified as a "moderate severity offense."

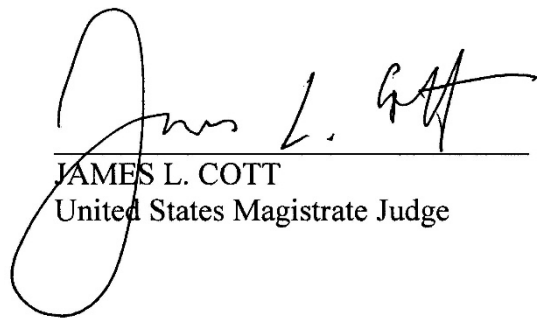
As to the recommendation to the Bureau of Prisons, the Court recommends that the defendant be designated to serve his sentence in Otisville Federal Prison Camp, or any other minimum-security camp as close to the New York City area as possible.

The parties are directed to provide a copy of this order to the Bureau of Prisons forthwith.

The Clerk is respectfully directed to close the letter-motion at Docket No. 31 and mark it as “granted.”

SO ORDERED.

Dated: New York, New York
March 28, 2024



A handwritten signature in black ink, appearing to read "James L. Cott", is written over a horizontal line. Below the line, the text "JAMES L. COTT" and "United States Magistrate Judge" is printed.

JAMES L. COTT
United States Magistrate Judge